

(2019) 08 CHH CK 0045

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 948 Of 2013

State Of Chhattisgarh

APPELLANT

Vs

Ajay Tiwari

RESPONDENT

Date of Decision : 06-08-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 294, 323, 506

Citation : (2019) 08 CHH CK 0045

Hon'ble Judges : Prashant Kumar Mishra, J;Gautam Chourdiya, J

Bench : Division Bench

Advocate : Avinash Choubey

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

1. Heard.

2. On due consideration, delay of 46 days in filing the present Cr.M.P. is condoned. Accordingly, I. A. No.1 is allowed.

3. The trial Court has acquitted the accused of the charges under Sections 294/34, 323/34, 506/34 & 302/34 of IPC.

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4. In a fight between the employees of two private companies deceased - Umesh Yadav, sustained injuries caused by hand-fist, kicks and legs. He subsequently succumbed to the injuries in the hospital.

5. The prosecution relied on the eye witnesses account rendered by Sheetala Prasad Mishra, Brijesh Mishra and Virendra Kumar. However, these witnesses have turned hostile in the Court. They have denied to have witnessed the incident. Even the witnesses to the memorandum statement and consequent seizure have turned hostile.

6. There being lack of evidence against the accused persons, therefore, application for leave to appeal deserves to be and is hereby dismissed.